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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,029	03/11/2004	Nandagopal Venugopal	RIC02009	4644

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ARLINGTON, VA 22201-2909

EXAMINER

KANG, SUK JIN

ART UNIT	PAPER NUMBER
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2477

NOTIFICATION DATE	DELIVERY MODE
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10/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No. 10/797,029	Applicant(s) VENUGOPAL ET AL.	
	Examiner SUK JIN KANG	Art Unit 2477	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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2. **Claims 1, 3, 14, 15, 19, 22-25, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gardner et al.** (hereinafter Gardner) (Non-Patent Literature - "Techniques for Finding Ring Covers in Survivable Networks") in view of **Grover et al.** (hereinafter Grover) (U.S. Patent # 6,819,662 B1).

Consider **claims 1, 16, 23, and 24**, Gardner discloses a processor-implemented method, comprising:

receiving, at the processor, network configuration information (page 2, column 1, line 35; input a network N) and traffic demand information (page 2, column 1, lines 24-27; link traffic weight and costs) for a network;

generating, by the processor, a plurality of ring cover candidates (page 1, column 2, lines 19-24), each ring cover candidate including a plurality of rings (page 1, column 2, lines 5-6), based on the network configuration information and the traffic demand information, each of the rings including a plurality of network spans (page 2, column 1, lines 36-38; page 2, column 2, lines 4-14), where the generating the ring cover candidate includes generating the plurality of ring cover candidates by using a different process to generate each of the ring cover candidates (page 4, column 2, lines 24-55; page 5, column 1, lines 1-7; figures 4-7; different processes/procedures are utilized determine ring cover candidates for the network).

However, Gardner may not expressly disclose counting, for each ring cover candidate of the plurality of ring cover candidates, a number of loaded network spans covered by the ring cover candidate; and selecting one of the plurality of ring cover

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candidates as a recommended ring cover candidate by selecting the one of the ring cover candidates having a highest number of loaded network spans.

Nonetheless, in the same field of endeavor, Grover discloses counting, for each ring cover candidate of the plurality of ring cover candidates, a number of loaded network spans covered by the ring cover candidate (abstract; column 32, lines 12-15 and 35-39); and selecting one of the plurality of ring cover candidates as a recommended ring cover candidate by selecting the one of the ring cover candidates having a highest number of loaded network spans (abstract; column 23, lines 1-10 and 34-65; column 29, lines 55-67; column 30, lines 24-33; column 32, lines 12-15; selecting one of a ring cycle candidate is based on the best loaded cycle span).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate counting the loaded network spans and selecting the ring cover candidates based on the loaded spans as taught by Grover with the method as disclosed by Gardner for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 3**, Gardner, as modified by Grover, further discloses creating a spanning tree from a plurality of loaded network spans of the network (page 1, column 2, lines 32-43).

Consider **claim 19**, Gardner, as modified by Grover, further discloses where the at least one processor is further to store each of the rings of the at least one ring cover candidate in span linked lists associated with ones of a plurality of network spans of the

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network covered by the rings in the at least one storage device (page 1, column 2, lines 24-31).

Consider **claims 22 and 29**, Grover further discloses wherein the at least one processor is further configured to rank each of a plurality of rings included in the at least one ring cover candidate (column 14, lines 19-31), the rank being based on a measure of a benefit of including a respective ring in the at least one ring cover candidate versus a measure of a cost of including the respective ring in the at least one ring cover candidate (abstract; column 15, lines 1-15).

Consider **claim 25**, Gardner, as modified by Grover, further discloses to create a spanning tree based on loaded ones of the network spans (page 1, column 2, lines 32-43), to generate a plurality of fundamental rings based on the spanning tree, and to generate a plurality of rings based on the generated fundamental rings (page 3, column 2, lines 2-5 and 13-15).

3. **Claims 2, 9-13, 17, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gardner et al.** (hereinafter Gardner) (Non-Patent Literature - "Techniques for Finding Ring Covers in Survivable Networks") in view of **Grover et al.** (hereinafter Grover) (U.S. Patent # 6,819,662 B1), and further in view of **Chow et al.** (hereinafter Chow) (U.S. Patent # 7,133,410 B2).

Consider **claims 2, 17, and 30**, Gardner, as modified by Grover, discloses the claimed invention, but may not expressly disclose generating and outputting at least one report describing characteristics of the ring cover candidate.

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Nonetheless, in the same field of endeavor, Chow discloses generating and outputting at least one report describing characteristics of the ring cover candidate (column 3, lines 7-11; column 6, lines 48-55; column 13, lines 56-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate outputting a report describing characteristics of the ring cover candidate as taught by Chow with the method as disclosed by Gardner, as modified by Grover, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 9**, Gardner, as modified by Grover and Chow, discloses the claimed invention, but may not expressly disclose where the at least one report includes characteristics of each of the rings included in the ring cover candidate.

Nonetheless, Chow further discloses where the at least one report includes characteristics of each of the rings included in the ring cover candidate (column 3, lines 7-11; column 6, lines 48-55; column 13, lines 56-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a report describing characteristics of the ring cover candidate as taught by Chow with the method as disclosed by Gardner, as modified by Grover and Chow, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 10**, Gardner, as modified by Grover and Chow, discloses the claimed invention, but may not expressly disclose where the characteristics of each of

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the rings include a ring identifier, a number of nodes covered by a corresponding one of the rings, and a length of the corresponding one of the rings.

Nonetheless, Grover further discloses where the characteristics of each of the rings include a ring identifier (column 5, lines 43-46), a number of nodes covered by a corresponding one of the rings (column 4, lines 47-49; column 27, lines 51-65), and a length of the corresponding one of the rings (column 28, lines 66-67; column 29, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the characteristics of each ring as taught by Grover with the method as disclosed by Gardner, as modified by Grover and Chow, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 11**, Gardner, as modified by Grover and Chow, discloses the claimed invention, but may not expressly disclose where the at least one report includes information about network spans not covered by any valid ones of the rings of the ring cover candidate.

Nonetheless, Chow further discloses wherein the at least one report includes information about network spans not covered by any valid ones of the rings of the ring cover candidate (column 3, lines 7-11; column 6, lines 48-55; column 13, lines 56-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a report describing characteristics of the ring cover candidate as taught by Chow with the method as disclosed by Gardner, as

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modified by Grover and Chow, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 12**, Gardner, as modified by Grover and Chow, discloses the claimed invention, but may not expressly disclose where the at least one report includes information about network spans not covered by any ones of the rings of the ring cover candidate.

Nonetheless, Chow further discloses where the at least one report includes information about network spans not covered by any ones of the rings of the ring cover candidate (column 3, lines 7-11; column 6, lines 48-55; column 13, lines 56-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a report describing characteristics of the ring cover candidate as taught by Chow with the method as disclosed by Gardner, as modified by Grover and Chow, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 13**, Gardner, as modified by Grover and Chow, discloses the claimed invention, but may not expressly disclose where the at least one report provides characteristics of each of the plurality of ring cover candidates.

Nonetheless, Chow further discloses where the at least one report provides characteristics of each of the plurality of ring cover candidates (column 3, lines 7-11; column 6, lines 48-55; column 13, lines 56-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a report describing characteristics of the

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ring cover candidate as taught by Chow with the method as disclosed by Gardner, as modified by Grover and Chow, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

4. **Claims 4-8, 18, 21, and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gardner et al.** (hereinafter Gardner) (Non-Patent Literature - "Techniques for Finding Ring Covers in Survivable Networks") in view of **Grover et al.** (hereinafter Grover) (U.S. Patent # 6,819,662 B1), and further in view of **Kennington et al.** (hereinafter Kennington) (Non-Patent Literature - "Optimization Based Algorithms for Finding Minimal Cost Ring Covers in Survivable Networks").

Consider **claim 4**, Gardner, as modified by Grover, discloses the claimed invention, but may not expressly disclose generating a plurality of second rings by combining two of the plurality of first rings; and generating a plurality of third rings by combining one of the second rings with one of the first rings.

Nonetheless, in the same field of endeavor, Kennington discloses generating a plurality of second rings by combining two of the plurality of first rings; and generating a plurality of third rings by combining one of the second rings with one of the first rings (page 3, lines 12-20; figure 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover, for the

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purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 5**, Gardner, as modified by Grover and Kennington, discloses the claimed invention, but may not expressly disclose generating derived third degree rings and focused third degree rings.

Nonetheless, Kennington further discloses generating derived third degree rings and focused third degree rings (page 3, lines 12-20; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover and Kennington, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 6**, Gardner, as modified by Grover and Kennington, discloses the claimed invention, but may not expressly disclose where at least some of the third rings and the second rings are based on an invalid first ring

Nonetheless, Kennington further discloses where at least some of the third rings and the second rings are based on an invalid first ring (page 3, lines 1-20; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover and

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Kennington, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 7**, Gardner, as modified by Grover and Kennington, discloses the claimed invention, but may not expressly disclose storing information regarding the first rings, the second rings and the third rings in span-linked lists associated with respective ones of a plurality of network spans covered by the first rings, the second rings and the third rings.

Nonetheless, Kennington further discloses storing information regarding the first rings, the second rings and the third rings in span-linked lists associated with respective ones of a plurality of network spans covered by the first rings, the second rings and the third rings (page 3, lines 12-20; figure 1; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover and Kennington, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 8**, Gardner, as modified by Grover, discloses the claimed invention, but may not expressly disclose generating a third ring cover candidate by using cheapest ones of the rings from the first ring cover candidate.

Nonetheless, in the same field of endeavor, Kennington discloses generating a third ring cover candidate by using cheapest ones of the rings from the first ring cover candidate (abstract; page 7, lines 18-23; page 8, lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 18**, Gardner, as modified by Grover, discloses the claimed invention, but may not expressly disclose where the at least one processor is configured to generate a plurality of rings for each of the plurality of ring cover candidates, the plurality of rings including a plurality of fundamental rings, a plurality of second degree rings, and a plurality of third degree rings.

Nonetheless, in the same field of endeavor, Kennington discloses where the at least one processor is configured to generate a plurality of rings for each of the plurality of ring cover candidates, the plurality of rings including a plurality of fundamental rings (figure 2), a plurality of second degree rings, and a plurality of third degree rings (page 3, lines 12-20; figure 1; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 21**, Gardner, as modified by Grover, discloses the claimed invention, but may not expressly disclose to generate a first ring cover candidate by

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using shortest ones of the rings formed on loaded network spans, to generate a second ring cover candidate by using shortest ones of the rings formed on a maximum number of uncovered network spans, and to generate a third ring cover candidate by using shortest ones of the rings from the first ring cover candidate.

Nonetheless, in the same field of endeavor, Kennington discloses to generate a first ring cover candidate by using shortest ones of the rings formed on loaded network spans, to generate a second ring cover candidate by using shortest ones of the rings formed on a maximum number of uncovered network spans, and to generate a third ring cover candidate by using shortest ones of the rings from the first ring cover candidate (page 3, lines 1-20; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 26**, Gardner, as modified by Grover, discloses the claimed invention, but may not expressly disclose wherein the plurality of rings based on the generated fundamental rings include at least one of second degree rings and third degree rings.

Nonetheless, in the same field of endeavor, Kennington discloses wherein the plurality of rings based on the generated fundamental rings (figure 2) include at least

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one of second degree rings and third degree rings (page 3, lines 12-20; figure 1; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 27**, Gardner, as modified by Grover and Kennington, discloses the claimed invention, but may not expressly disclose to attempt to create a focused third degree ring to cover a network span when the network span is covered only by an invalid fundamental ring.

Nonetheless, Kennington further discloses to attempt to create a focused third degree ring to cover a network span when the network span is covered only by an invalid fundamental ring (page 3, lines 1-20; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover and Kennington, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Consider **claim 28**, Gardner, as modified by Grover and Kennington, discloses the claimed invention, but may not expressly disclose where the plurality of rings based on the generated fundamental rings are formed by combining a fundamental ring with

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another of the rings, and the fundamental ring and the another of the rings have a network span in common.

Nonetheless, Kennington further discloses where the plurality of rings based on the generated fundamental rings (figure 2) are formed by combining a fundamental ring with another of the rings, and the fundamental ring and the another of the rings have a network span in common (page 3, lines 1-20; page 4, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate generating a plurality of rings as taught by Kennington with the method as disclosed by Gardner, as modified by Grover and Kennington, for the purpose of effectively identifying and designing a ring cover candidate in order to restore a network.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13 and 16-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Suk Jin Kang whose telephone number is (571)270-1771. The examiner can normally be reached on Monday - Friday 8:00-5:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Chirag Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Suk Jin Kang/

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Examiner, Art Unit 2477

September 24, 2009

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2477